

July 9, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L97P0001**

HUNTER LANE
Application for Preliminary Plat Approval

Location: Generally between Issaquah-Fall City Road, Southeast 46th Street,
244th Place Southeast and 247th Place Southeast

Applicant: Lakefield Associates, Inc., 704 – 228th Avenue Northeast #312, Redmond, WA 98053

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	January 16, 1997
Notice of complete application:	February 13, 1997

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	February 10, 1998
Hearing Opened:	June 23, 1998
Hearing Closed:	June 23, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- minimum density
- recreation area

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information.

Owner/Developer:	Lakefield Associates, Inc. 704 – 228 th Avenue NE #312, Redmond, WA 98053
Engineer:	Concept Engineering, Inc. 455 Rainier Boulevard North #200, Issaquah, WA 98027
Location:	Generally between Issaquah-Fall City Road, Southeast 46 th Street, 244 th Place Southeast and 247 th Place Southeast
STR:	14-24-06
Zoning:	R6-P
Acreage:	8.13
Number of Lots:	14
Density:	1.7 dwelling units/acre
Typical Lot Size:	Ranges from approximately 7,200 square feet to 13,700 sq. feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	Sammamish Plateau Water & Sewer District
Water Supply:	Sammamish Plateau Water & Sewer District
Fire District:	#10
School District:	Issaquah
Complete Application Date:	February 13, 1997

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the June 23, 1998 public hearing (exhibit no. 2) are found to be correct and are incorporated herein by this reference.

3. Proposed lot no. 14 will have direct access to the Issaquah-Fall City Road, a principle arterial. At such time as sewers are available to lot 14, it could be developed with 14 or more dwelling units, which would provide a total of not fewer than 27 dwelling units on the subject property. This would be sufficient to meet the minimum density requirement of the R6 zone classification.

4. The subject property is within the area governed by detention standard 2, as described in section L.1.a of the preliminary report to the Hearing Examiner.

5. The Applicant has elected to provide recreation space of approximately 5,460 square feet to meet the requirements of King County Code 21A.14.

CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, East Sammamish Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The subject subdivision, submitted on January 16, 1997, as revised June 22, 1998, is GRANTED preliminary approval subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density (and minimum density) of the R6-P zone classification. All lots shall meet the minimum dimensional requirements of the R6-P zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat that do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the

adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code. If all lots are 35,000 square feet or more in size, or if the subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acres, the subdivision is exempt per KCC 17.08.030.

7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.

a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.

b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

8. The following conditions specifically address drainage issues for this particular plat:

a. All drainage facilities draining to the North Fork of Issaquah Creek shall be designed according to the conditions and requirements of the Issaquah Creek Basin Plan. This includes BW-2 Erosion Protection Standard for On-Site Retention /Detention Facilities and BW-19 Water Quality Treatment Design Standards. BW-19 is designed to achieve phosphorous removal.

b. All drainage facilities draining north to Laughing Jacobs Creek shall be designed according to the conditions and requirements of the East Lake Sammamish Basin Plan. This includes BW-2 (Detention Standard 2 ESCP) Stream Protection On-site Detention Standard.

c. The following condition has been established by SEPA as a necessary requirement of this development as mitigation:

Runoff from impervious surfaces subject to vehicle use or storage and/or transfer of chemicals, petroleum products or wastes must be treated to remove 50 percent of the annual average total phosphorus concentration before discharge to Lake Sammamish or its tributaries (either natural or engineered). This goal may be met by treating the water quality flow (defined below) with one of the following three on-site treatment options. The design of the facilities shall be approved by King County Water and Land Resource Division (WLRD). Other options that provide an equivalent level of pollutant removal are also acceptable, but must be approved by WLRD.

Option 1: A large wetpond having a dead storage volume of at least 4.5 times the runoff from the mean annual storm. The mean annual storm is determined by dividing the annual rainfall (in inches) by the number of storms in a typical year. In the Lake Sammamish area, the mean annual storm ranges from about 0.47 to 0.56 inches.

Option 2: A large sand filter treating 95% of the annual average runoff volume as computed by the KCRTS time series. If a detention facility does not precede the sand filter, a presettling pond of vault must be provided prior to the sand filter. The presettling pond must be sized to hold a volume of 0.75 times the runoff from the mean annual storm.

Option 3: A two-facility treatment train, with the first facility sized to treat the water quality flow (see below), and the second facility a sand filter sized to treat the flow from the first facility, or 90 percent of the annual average runoff volume as computed by the KCRTS time series.

The water quality flow is defined by one of the following:

- the flow generated by 64 percent of the 2-year 24-hour precipitation (SBUH model),
- the flow generated by 60 percent of the developed 2-year peak flow rate (KCRTS model), or
- the flow associated with 95 percent of the annual average runoff volume in the KCRTS time series (typically restricted to sand filter sizing).

This condition is in lieu of the biofiltration required under Core Requirement #3 in the King County Surface Water Design Manual (King County Comprehensive Plan Policies NE-302, NE-310 and NE-313).

9. The following road improvements are required with this subdivision to be constructed according to the 1993 King County Road Standards (KCRS):

- a. SE 46th Place (extended): The internal access road SE 46th Place shall be improved to the urban minor access standard.
- b. Provisions shall be shown on the engineering plans for removal and restoration

of any existing turnaround at the end of SE 46th Place.

c. Tract D shall be improved at a minimum to the joint use driveway standard per Section 3.01 KCRS.

d. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.

10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.

11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid"; if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

12. Lots within this subdivision are subject to King County Ordinance 21A.28, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

13. Preliminary plat review has identified the following issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant:

a. Wetland A, within Tract A, is a Class II wetland. A 50-foot-wide wetland buffer shall be provided from this wetland, with an additional 15-foot building setback line.

b. Wetland A and its buffer, to the extent that they are located within the boundaries of the subject property, shall be placed within a sensitive area tract on the final plat and engineering plans.

14. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREA AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by

King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed. No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

15. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Prior to engineering plan approval, the applicant shall provide notice on title as outlined in KCC 21A.24.170. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to commencing construction activities on the site. Preliminary plat review has identified the following issues that apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.

16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14, and a recreation and landscape plan shall be reviewed and approved by DDES and the King County Parks Division prior to engineering plan approval. The applicant has chosen to provide on-site recreational space within a 5,460 square foot tract (Tract C) located at the entrance to the plat; this location has been approved by DDES and the King County Parks Division.

17. A homeowner's association shall be established to the satisfaction of DDES, which provides for the ownership and/or continued maintenance of the recreation area and sensitive area tracts.

18. The following condition shall apply to implement the P-suffix conditions to this property:

a. Seasonal Clearing and Grading Restrictions (ESP-P20): Clearing and grading shall not be permitted between October 1 and March 31, unless otherwise approved by DDES. Certain activities may be exempt from this restriction (e.g., landscaping of single-family residences, emergencies, connection or maintenance of utilities).

ORDERED this 9th day of July, 1998.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 9th day of July, 1998, to the parties and interested persons shown on the attached list.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 23, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before July 30, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JUNE 23, 1998 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0001 – HUNTER LANE:

James N. O'Connor was hearing examiner in this matter. Participating in the hearing were Carl Cangie/Concept Engineering, Bruce Whittaker/DDES-LUSD, and Keri Akers/DDES-LUSD.

The following exhibits were offered and entered into the hearing record:

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| Exhibit No. 1 | Department of Development and Environmental Services, Land Use Services Division file no. L97P0001-Hunter Lane |
| Exhibit No. 2 | Department of Development and Environmental Services, Land Use Services Division file no. L97P0001-Hunter Lane staff report prepared for the June 23, 1998 public hearing |
| Exhibit No. 3 | Applicant's application, dated received January 16, 1997 |
| Exhibit No. 4 | Environmental checklist, dated received February 24, 1997 |
| Exhibit No. 5 | Mitigated determination of nonsignificance, issued December 30,, 1997 |
| Exhibit No. 6 | Affidavit of posting indicating March 15, 1997 as date of posting |
| Exhibit No. 7 | Site plan and plat map dated June 22, 1998 |
| Exhibit No. 8 | Land use map – Kroll maps 963W |
| Exhibit No. 9 | Assessors map SW 14-24-06 |
| Exhibit No. 10 | Level one drainage analysis |
| Exhibit No. 11 | Preliminary plat layout dated May 18, 1997 |
| Exhibit No. 12 | Letters from Sheldon & Associates, dated December 27, 1993 and June 27, 1997 |
| Exhibit No. 13 | Letter from Ecology Northwest dated April 22, 1997 |
| Exhibit No. 14 | Road variance dated April 15, 1998, and letter of clarification dated May 18, 1998 |
| Exhibit No. 15 | P-suffix conditions ESP-P20, Seasonal clearing and Grading |
| Exhibit No. 16 | Conceptual drainage plan dated August 1, 1997 |
| Exhibit No. 17 | Revisions for condition nos. 9 and 16 of exhibit no. 2, above |

Hunter Lane/L97P0001

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JNOC:vam

Attachment

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